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Committee on Economic, Social and Cultural Rights

Sixty-third session

Summary record of the 16th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 21 March 2018, at 3 p.m.

Chair: Ms. Bras Gomes

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* No summary records were issued for the 14th or 15th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Spain (E/C.12/ESP/6 and E/C.12/ESP/QPR/6)

1. *At the invitation of the Chair, the delegation of Spain took places at the Committee table.*

2. **Mr. González-Aller Jurado** (Spain) said that, in 2012, the Government had adopted an economic policy and strategy to restore macroeconomic stability and growth, in order to halt the fall in employment and promote recovery from the economic crisis. Public investment in education, health care and pensions had enabled the welfare system to withstand the effects of the crisis. Unemployment benefits had increased during the crisis through the introduction of programmes to help the long-term unemployed, while there had also been a large-scale government policy to provide assistance to retired workers. All such measures aimed to reflect the minimum core content of all rights under the International Covenant on Economic, Social and Cultural Rights, in line with the previous recommendations of the Committee on Economic, Social and Cultural Rights.

3. The introduction of the Comprehensive Strategy against racism, racial discrimination, xenophobia and related forms of intolerance was helping to prevent and combat discrimination, which affected the enjoyment of economic, social and cultural rights. Moreover, the National Roma Integration Strategy 2012–2020 aimed to mitigate the effects of the crisis on the Roma population and improve their living conditions. The National Action Plan on Business and Human Rights had been approved in July 2017.

4. The new Spanish Employment Activation Strategy had been passed in December 2017, and the Government aimed to reach its goal of having 20 million people in employment by the end of 2019, having already created 500,000 new jobs since 2013. The Spanish unemployment rate had decreased more than in any other eurozone country, and Spain had experienced the highest rate of job creation in the region in 2017.

5. The gender pay gap had been notably reduced and was below the European average. The Government was discussing new measures to reduce gender disparities in the labour market, in addition to extending paternity leave and increasing payments to pensioners with children. The interprofessional minimum wage had increased by 8 per cent in 2017 and would increase further between 2018 and 2020, following the recent adoption of an agreement by the Government and the social partners. Moreover, the Spanish Strategy on the Social Responsibility of Businesses 2014–2020 and the Spanish Strategy for the Social Economy, which had 63 support measures for businesses, had both been adopted.

6. A plan to combat irregular employment and social security fraud was in place, in addition to a law increasing the role of the Inspectorate of Labour and Social Security in promoting and protecting non-discrimination and the equality of treatment and opportunities. The Inspectorate also worked to detect suspected trafficking in persons, prevent the employment of persons under 16 years of age and ensure that the labour restrictions on those aged between 16 and 18 were enforced. Advances in ICT had increased the efficiency of targeting in the Inspectorate's activities.

7. The final report of the National Plan of Action for Social Inclusion 2013–2016 had been published, and indicators of social exclusion and poverty had recently shown improvements for the first time since the start of the crisis. The Government was developing a national strategy to prevent and combat poverty and social exclusion for the period 2018–2020. Other measures that had been adopted included discounts in electrical bills for domestic users, depending on their income and personal circumstances.

8. The level of pensions had made it possible to reduce significantly the percentage of older persons at risk of poverty and social exclusion. Non-contributory pensions ensured that all citizens were able to receive an allowance, free medical and pharmaceutical care, and certain free social services. The number of recipients of such pensions had increased in

recent years. Moreover, the National Strategy for Older Persons was at an advanced stage of the administrative process, and the Strategy for Health Promotion and Disease Prevention in the National Health System had been adopted.

9. Exceptional measures had been adopted in order to protect the right to housing of those worst affected by the crisis. Under the State Housing Plan 2018–2021, persons at risk of eviction and with few resources were able to access unoccupied housing and could receive up to 100 per cent rental assistance. The Government was encouraging the development of more rental or leasehold housing, which would make it possible to increase the amount of available housing and thereby reduce rents for those with lower incomes.

10. Moreover, the Government had adopted legislative measures to assist persons with mortgage loans who were unable to meet their financial obligations, by making it possible to restructure mortgage-related debt. The evictions of families at a particular risk of exclusion had been suspended until 2020. In addition, a Social Fund for Housing had been created to provide coverage for persons who had already been evicted from their place of residence. The Comprehensive National Strategy for Homeless Persons (2015–2020) had made it possible to develop coherent measures to eradicate homelessness by providing accurate assessments of the number of homeless persons and their situation.

11. The parliament was currently reviewing a bill on credit agreements for consumers related to residential immovable property that would improve transparency and expand consumer rights. It was in line with directive 2014/17/EU of the European Parliament and the Council of the European Union, and included provisions that would strengthen legal protection and help to create contracts that were more balanced.

12. Over the previous 15 years, average life expectancy at birth in Spain had increased by almost 4 years. Non-communicable diseases were the leading cause of death and disability, but the rate of premature death caused by chronic illness had been reduced among men and women. Thanks to the effective coordination, cohesion, quality and equality of the country's health services, waiting lists had been reduced and new medicines introduced.

13. A strategic plan for school coexistence had been developed under the Strategic Framework for Education and Training 2020, to ensure that educational establishments were safe spaces able to provide the best possible education. The recent creation of the National Observatory for School Coexistence would help to achieve that objective. Under the plan for lowering school dropout rates, the dropout rate had fallen from 30.8 per cent in 2008 to 18.3 per cent in 2018. All of the educational reforms that had been implemented emphasized the key role of teachers, and a new teacher training programme had been introduced in 2017. In addition, the Culture Plan 2020 had been implemented and included various collaborative policies and programmes.

14. **Mr. Uprimny** (Country Rapporteur) said that, as established in the open letter sent to States parties to the Covenant in May 2012, austerity measures were permissible under the Covenant as long as they were proportionate, temporary and did not negatively impinge on economic, social and cultural rights. Such measures must be lifted when there was a sufficient economic recovery. As Spain had enjoyed a sustained recovery, he would appreciate any information on discussions to lift the austerity measures, most of which had been adopted as emergency decrees but remained in place. For example, there appeared to have been no discussion on lifting Royal Decree-Law No. 16/2012 on restricting access to health care for irregular migrants, despite the fact that some studies had indicated that refusing regular preventive care could increase health-care costs.

15. Development aid had fallen from 0.41 per cent of GDP in 2012 to 0.18 per cent in 2016. While such decreases were normal during a crisis, the country's commitment of 0.70 per cent should be achieved following economic recovery. The reduction in aid had significantly affected specific population groups, including Roma, persons with disabilities and migrants. It was unclear how autonomous communities could ensure that the rights of those groups were protected, as attempts to challenge austerity measures had been blocked by the Constitutional Court. He asked what the outcome of those measures was on ensuring the full enjoyment of rights among marginalized groups. Moreover, in view of the

worsening conditions in reception centres for migrants and asylum seekers, particularly in Ceuta and Melilla, he would appreciate information on any policies to improve conditions.

16. The Government had justified its austerity measures by indicating that resources had to be reallocated in order to address the crisis. However, some analysts had suggested that, as the country was no longer in an emergency situation, the Government had alternative means of gathering resources. For example, tax exemptions for certain groups could be eliminated, potentially raising approximately €19 billion, and work could be carried out on tax avoidance and tax evasion, which could raise approximately €40 billion. He asked why such mechanisms were not being used to allow austerity measures to be lifted.

17. It appeared that, apart from the right to education and certain labour rights, the majority of economic, social and cultural rights were not considered fundamental rights under the Constitution. They were also not protected under any organic acts or *amparo* actions and were therefore not legally enforceable. He would appreciate specific examples of judicial decisions on those rights, including the rights to water, health, housing and food.

18. Although Act No. 63/2003 had incorporated into Spanish law two European directives on non-discrimination, the Act was very general and did not clearly provide for the legal protection of citizens or for sanctions in cases of discrimination. It would be useful to have a statutory law on the right to equality covering all potential areas of discrimination.

19. Owing to the country's political and administrative divisions, there remained regional disparities in public spending and the enjoyment of the rights enshrined in the Covenant. For example, in general there was less expenditure per capita in autonomous communities in southern Spain, which affected the quality of education and the risk of falling below the poverty line. In view of regional economic differences and policy restrictions imposed on autonomous communities by the central Government, he would appreciate information on how the Government could guarantee a minimum level of nationwide enjoyment of the rights in the Covenant.

The meeting was suspended at 3.40 p.m. and resumed at 3.50 p.m.

20. **Mr. Valverde Álvarez** (Spain) said that, in accordance with the Stability and Growth Pact, which Spain had signed together with other Eurozone countries, the State's expenditure could not exceed its revenue. The Pact enabled Spain to exercise good governance and financial prudence and to achieve a good level of social, economic and regional cohesion.

21. Tax exemptions served as a tool of social policy. In recent years, the tax exemptions available to large families and families caring for a member with disabilities had increased. The money made available through such exemptions, which now amounted to some €9 billion, could be accessed by families before they had paid the corresponding tax.

22. In order to ensure that the public funds required to protect Covenant rights were available, the number of mechanisms for combating fraud had been increased, additional staff had been recruited and existing staff had been redistributed. As a result, the revenue obtained by the State had increased significantly between 2015 and 2017.

23. **Ms. González del Yerro** (Spain) said that Royal Decree-Law No. 16/2012 had been adopted in order to ensure that expenditure on health care was more effective. Under that Royal Decree-Law, health-care coverage had been extended to all Spanish nationals, including persons in long-term unemployment and persons returning to Spain after living abroad. Prescription charges were set on the basis of income, and the range of basic health services available to persons with disabilities and certain categories of irregular migrants had been extended. Irregular migrants under the age of 18 years, asylum seekers, pregnant migrants and victims of trafficking were entitled to the same health-care benefits as Spanish nationals, including emergency medical assistance and treatment of infectious diseases and mental health problems. Irregular migrants had the option of subscribing to a health-care agreement, under which they acquired the same right to health care as Spanish citizens. In cases where migrants did not possess documentation and could not pay for public health care, the invoice for their treatment was sent to their country of origin. Over 250,000 irregular migrants had registered with the public health-care system.

24. Although the economic crisis had led to reductions in spending on health care, that expenditure had been increasing since 2015.

25. **Ms. Rodríguez Alba** (Spain), noting that employment was the best means of fighting inequality and social exclusion, said that employment figures in recent years had been very encouraging. Persons in employment not only earned a salary but also acquired personal dignity and became eligible for benefits that would protect them in the future.

26. In addition to Act No. 63/2003 on non-discrimination, a number of other pieces of legislation prohibited discrimination in the workplace on grounds of ethnicity, sexual orientation, gender and disability. Such legislation included definitions of both direct and indirect discrimination. Article 17 of the Workers' Statute provided that any rulings, decisions and provisions that might result in workers being subjected to direct or indirect discrimination were null and void. Article 55 of that Statute provided that rulings related to any discriminatory decision or action were null and void. Fines were imposed on any companies that were found to have acted in a discriminatory manner.

27. **Ms. Marín Luengo** (Spain) said that the Directorate General for Labour and Social Security Inspection had undertaken over 1,500 campaigns to identify and eradicate all forms of discrimination in access to employment and working conditions, including on grounds of gender, immigration status and disability.

28. Following the launch of a campaign to combat fraud in 2012, an increasing number of actions had been taken to identify companies operating in the informal economy. Additional resources had been allocated to combating fraud, and cooperation between different government bodies and the autonomous communities had been enhanced in order to increase the effectiveness of anti-fraud measures.

29. **Ms. García Gasalla** (Spain) said that, although there had been a 73 per cent reduction in State support for development cooperation from 2008 to 2015, the funds allocated to that area had increased slightly between 2015 and 2016. A further sign of the Government's good intentions in that regard was provided by the recent adoption of the Fifth Master Plan for Spanish Cooperation, which gave significant priority to human rights.

30. **Mr. González-Aller Jurado** (Spain) said that regional disparities in access to education resulted from the varying budgets available to the autonomous communities. The Government attempted to address such disparities by redistributing tax revenue in a manner that enhanced social and financial cohesion between the autonomous communities.

31. **Ms. Aragonés Pomares** (Spain) said that the fact that Spain did not have a comprehensive law on non-discrimination in the workplace did not mean that protection was not afforded to persons claiming to have suffered such discrimination. Provisions in the Criminal Code related to hate and discrimination had been amended: Act No. 4/2015, the Statute on victims of crime, had been adopted; a network of some 53 victim-support units had been established; and 87 publicly funded offices for the protection of victims of racial or ethnic hate crime had attended to around 2,250 cases between March 2013 and October 2017.

32. Surveys and studies were carried out to identify persons vulnerable to discrimination and to obtain their views on that issue. The surveys were taken into account when drafting policies related to discrimination. Practical guides were also issued to raise the general public's awareness of discrimination and the measures that could be taken by persons subjected to it.

33. **Ms. Ruiz Bautista** (Spain) said that a number of measures, including the implementation of the National Roma Integration Strategy, 2012–2020, had been taken to reduce the impact of the economic crisis on the Roma population. According to a study examining the housing conditions of the Roma, the number of Roma living in shanty towns or sub-standard housing had fallen between 2007 and 2015. Furthermore, the number of Roma children attending secondary school had increased and the illiteracy rate among adult Roma had fallen. In 2017, a considerable amount of funding had been allocated to combat child poverty among the Roma population. The minimum income programme had been enhanced to provide additional support to all families on low incomes, including a significant number of Roma families.

34. Measures had been taken to increase access to employment among persons with disabilities. In accordance with the Act on Public Sector Contracts, companies working on State contracts and public bodies were required to ensure that a certain proportion of their staff were persons with disabilities.

35. The funds allocated from income tax revenue to bodies providing support to disadvantaged social groups, including the Roma, immigrants and persons with disabilities, had increased from 2015 to 2016.

36. **Mr. Vizcarro Germade** (Spain) said that the temporary migrant accommodation centres in Ceuta and Melilla were intended to provide basic support and accommodation to migrants and asylum seekers before they moved to the mainland. Aside from accommodation, the centres provided residents with health care, counselling, legal advice and support with administrative procedures. Special support was also provided to minors, nurseries were made available to children under 3 years of age, and steps were taken to identify possible victims of trafficking. Although the centres were currently struggling to provide an appropriate level of care to their residents, plans were in place to increase their capacity.

37. **Mr. Ferrán Priestley** (Spain) said that, since 2014, there had been an increase in State spending on education and in the number of grants and scholarships awarded to students. Through regional cooperation plans, steps were being taken to allocate funding to the autonomous communities in order to address regional disparities in educational attainment. The *PROEDUCAR* programme had been established to promote high educational standards and to prevent children from abandoning the education system.

38. **Mr. Parra** (Spain) said that social, economic, cultural and other human rights, including those for which protection was not provided in the Constitution, were justiciable before the ordinary courts. The right to accommodation, the right to education, the right to health, the right to life, and the right to an adequate standard of living had been established by a number of court rulings. In particular, a recent ruling issued by the Constitutional Court had established that irregular migrants were entitled to receive basic health care in order to ensure that their right to life was protected.

39. **Ms. Blázquez Martín** (Spain) said that, in recent years, awareness of the importance of the Covenant had increased among the judiciary. In the day-to-day workings of the courts, it was clear that the Covenant served as a set of guiding principles, including in areas not directly related to Covenant rights. The Covenant also informed decisions pertaining to the rights of children and of persons with disabilities, and provided judges with greater flexibility in interpreting the law. The courts gave more weight to the right to housing, as enshrined in the Covenant, the Constitution and the Charter of Fundamental Rights of the European Union, than they had in the past.

40. **Ms. Villegas** (Spain) said that Covenant rights had a real impact on people's lives. For instance, the Provincial High Court of Albacete had overturned a criminal conviction for misappropriation based on its interpretation of the right to housing.

41. **Mr. Sadi** said that, while the accession of Spain to the Optional Protocol was welcome and indicated that Covenant rights were justiciable, he wondered whether the Covenant had figured in the Government's planning and policymaking when it had adopted austerity measures to address the recent economic crisis. Similarly, he wished to know what steps had been taken to create jobs and whether policies in that regard had been formulated with due regard for the Covenant.

42. Considering the proximity of Spain to Africa, he believed that the influx of refugees and migrants was likely to swell in the coming years. What was the Government's long-term vision for resolving that problem in a way that preserved the culture and protected the interests of Spanish people while respecting the country's international obligation to provide shelter?

43. **Mr. Kedzia** (Country Task Force) said that the Constitution was vague as to which provisions would prevail in the event of a contradiction between Spanish law and the Covenant. He would be grateful if the delegation could shed light on the Covenant's position in the country's legal system and its application in practice.

44. **Mr. Uprimny** said that Royal Decree-Law No.16/2012 represented a setback for irregular migrants' access to health care; he wished to know whether the State party planned to re-examine the restrictions that had been introduced, in order to determine whether they were necessary and proportionate.

45. He was interested to learn of the judicial decisions taken in respect of Covenant rights; the Committee would appreciate being provided with a list of such decisions. However, he was concerned that some Constitutional Court rulings — including decision No. 113 of 2011, in which the Court had upheld the constitutionality of legislation on mortgage enforcement proceedings in a case brought by the occupant of a dwelling who had no other home — did not take due account of the right to housing. Moreover, he recalled that the Committee had addressed that issue in its views on communication No. 2/2014 (E/C.12/55/D/2/2014), finding that the State party had violated the right to housing of the complainant by failing to provide her with an effective remedy. Given that the failure to guarantee the right to housing had a concrete impact on peoples' lives, he asked why the Government did not ensure that all economic, social and cultural rights were justiciable to the same extent as civil and political rights.

46. **Mr. González-Aller Jurado** (Spain) said that many European governments had been obliged to take measures to deal with the severe economic crisis. While the effectiveness of such measures was a moot point, he believed that successive Spanish administrations had acted keeping in mind the potential economic and social impact on citizens, and politicians had been frank in acknowledging errors that could have been avoided.

47. There was no easy answer to the question about the long-term response to migration flows. Recognizing that the phenomenon was likely to continue and to increase, the Government participated in the relevant forums of the European Council and was undertaking studies to find equitable and humane solutions. In his view, not only Spain but the whole world wished to address migration not only from an economic perspective but also from a human and ethical one, recognizing that it was driven by threats to the lives and the economic well-being of human beings and providing opportunities for a decent life in the country of origin. The Government aimed to organize the reception of migrants and to respect their rights to work, to health and to the education of their children.

48. **Mr. Parra** (Spain) said that notwithstanding the primacy of the Constitution, in the event of a contradiction between Spanish law and an international treaty, the provisions of the treaty would prevail.

49. **Ms. Blázquez Martín** (Spain) said that although the cases mentioned by Mr. Uprimny gave the impression that the Constitutional Court interpreted the right to housing differently, in recent years there had been a revolution in terms of how that right was understood. In fact, the Constitutional Court had recently issued a decision based on a new interpretation, to the effect that all means of communicating with persons at risk of losing their homes must be exhausted before the posting of a notice at the outset of mortgage enforcement proceedings.

50. **Ms. González del Yerro** (Spain) said that, although the Government did not plan to amend Royal Decree-Law No.16/2012 in the short term, in reality the provision of public health services to migrants extended beyond the groups that she had mentioned previously. In June 2016, the Constitutional Court had ruled that the Decree-Law was in conformity with the international instruments signed by Spain, including the Covenant, the Convention on the Rights of the Child, the Charter of Fundamental Rights of the European Union and the European Social Charter. Furthermore, the level of State-funded health-care coverage for irregular migrants was among the highest of all European countries. The Government shared the Committee's concern that the health care provided to irregular migrants should be as effective as possible; in practice, that sometimes meant providing care and sending the bill to the migrant's country of origin.

51. **Mr. Kedzia** said that he was grateful for the State party's analysis of the impact of the labour reform adopted in 2012. In that context, considering that wage moderation had been cited as a factor in the improvement of private-sector employment, he wished to know what restrictive measures had been applied as part of the labour market reform and whether

they were temporary or had been designed to be a stable solution that would make the economy more competitive. Was the State party considering any further steps to boost employment among youth, migrants, Roma, persons with disabilities and other groups? He would also appreciate information on measures to combat long-term unemployment, such as strengthening the capacity of regional employment services, which played a crucial role but lacked resources.

52. Considering that the economy was strengthening, the Committee wished to know what mechanisms were in place to adjust wage levels to the improving situation. Notwithstanding that wage adjustments were determined in accordance with International Labour Organization (ILO) instruments, it would appreciate details regarding institutional solutions, the time frame or periodicity of adjustments, and the involvement of trade unions in the process, among other aspects.

53. Noting that Spain had a high percentage of employees on temporary contracts, which were associated with poor working conditions and a higher risk of poverty, he wished to know whether some aspects of the labour reform had created an incentive for companies to hire workers on temporary contracts.

54. The Committee remained concerned about the gender gap in wages and promotions and the fact that women were concentrated in the low-paid service sector and in jobs requiring more modest qualifications. It therefore welcomed the information regarding a number of initiatives and best practices intended to address those problems, such as the tools for self-diagnosis of a gender-based wage gap, and wished to know the extent to which those initiatives had already changed the global picture of gender inequality. Had they been launched on a pilot basis or were they indicative that a structural change was under way?

55. It was regrettable that the Committee had not received information on the proportion of unionized workers. He wished to know whether the increased participation of trade union representatives in decision-making processes following the 2012 reform was due to the establishment of a stable institutional framework and procedures for their participation. Information might also be provided on concerns about the uptake of decentralized wage bargaining at the company level.

56. The right to strike was guaranteed under the Constitution, but the State party had failed to provide data on cases in which that right had been exercised. The Committee had been informed that in 2015 more than 300 workers who had participated in strikes had been charged with offences in 81 criminal and administrative proceedings. Prison terms totalling more than 120 years had been demanded in response to the criminal charges. According to ILO, such action violated the State party's commitments under certain conventions. He wished to know whether steps had been taken to prevent any recurrence of such violations and would appreciate receiving relevant data for 2016 and 2017.

57. Referring to question No. 4 of the list of issues, he said that social security rights had reportedly been severely affected by the economic crisis. As a result, the current level, coverage and scope of social benefits were insufficient to guarantee a decent life for beneficiaries. The delegation was invited to comment on those reports.

58. The sustainability of the pension system, especially in an ageing society, tended to be high on the political agenda. According to a European Union report, there had been a marked decline in social dialogue on the pension issue since the 2012 tripartite agreement. Trade unions in the State party had held demonstrations in October 2017, calling for a sustainable scheme. He asked whether there was any prospect of reaching a new tripartite agreement on the subject. He also wished to know what measures, such as reallocation of tax revenues, were being taken to reduce the pension system deficit in the short term.

59. According to a report published in 2017 by the Organisation for Economic Co-operation and Development (OECD), pensioners' ability to supplement their income through further employment was limited. He would appreciate information regarding the disincentives they faced. A critical element of the reform was reportedly the limited application of indexation to pension payments. The International Monetary Fund (IMF) had

apparently recommended a rate of 0.25 per cent, which the trade unions found unacceptable. The delegation was invited to comment on the issue.

60. **Mr. González-Aller Jurado** (Spain) said that there had been demonstrations throughout Spain against gender-based wage inequality in both the public and private sectors. Trade unions and pensioners had also protested against the pension system. The Government was looking into the possibility of implementing the 0.25 per cent IMF recommendation, but he agreed that neither unions nor pensioners would be satisfied with that rate.

61. **Ms. de la Concha Renero** (Spain) said that the unemployment rate had exceeded 26 per cent in 2012 and a rate of over 50 per cent had been recorded for persons under 30 years of age. As many companies affected by the crisis had been unable to take remedial action, they had reduced their staff. Young people with temporary contracts had been particularly severely affected. The reform measures sought to promote an increase in both short-term and long-term employment, including for young people, women and persons with disabilities, and to promote sustained and stable growth and an increase in companies' productive capacity. Enterprises were encouraged to remain flexible so that they could adjust to the changing needs of the labour market. The crisis had demonstrated that they tended to opt for temporary contracts, which were cheaper and easier to terminate. Yet some wages tended to rise at times of economic crisis, reflecting the huge gap between employees with permanent and temporary contracts. The reform measures also sought to promote training in a variety of different areas, especially for young people, in order to boost workers' potential and professional attitudes. As unacceptable rates of youth unemployment persisted, a series of support and stimulus measures had been taken to encourage enterprises to employ young people. During the worst periods of crisis, part-time contracts had prevented a significant reduction in employment and had preserved workers' links with the labour market.

62. The overall unemployment rate of 26 per cent in 2012 had been reduced by about 10 per cent, and the 50 per cent youth unemployment rate by an even higher percentage. There was also a continuous marked increase in permanent contracts. As the Government was aware of the difficulty of maintaining such a high rate, it had proposed engaging in a dialogue with social partners on action to combat the lack of job security, to promote permanent contracts and to prevent the abusive use of successive temporary contracts. In cases of abuse, sanctions should be imposed on companies and victims should be compensated.

63. The status of women in the labour market had greatly improved. In fact, there had never been so many working women. Although the wage gap was currently about 14 per cent, it was a great deal lower than, for example, the rate in Germany, which was about 21 per cent. Occupational segregation was banned, and disadvantageous treatment of women was prohibited by Organic Act No. 3/2007 on equality and article 4 of the Workers' Statute. The wage gap could be due, inter alia, to incorrect evaluation of jobs, lack of transparency in promotion procedures or inadequate information regarding wage entitlements. Family responsibility was another important factor. With a view to addressing that issue, the Government had recently increased paternity leave to four months. Provision had also been made for teleworking. Proposals to reduce the wage gap, inspired by European Commission Recommendation 2014/124/EU of 7 March 2014, highlighted the need for transparency, setting of neutral and consistent objectives for men and women, provision of information to workers on wage entitlements in order to assess discrimination, and auditing of companies.

64. The Government was committed to supporting tripartite labour negotiations. After the drafting of Royal Decree-Law No. 3/2012, the purpose of which was to address an exceptional and urgent economic situation, technical meetings had been held with social stakeholders and a number of amendments to the text had been adopted.

65. Collective bargaining was mandatory in Spain for both employers and workers, and it played a key role in adjusting working conditions to changes in the economic situation and in responding to the situation in individual companies. Official statistics, which she would send to the Committee, demonstrated an exponential growth in collective bargaining

between 2012 and 2017. The Spanish trade union system was based more on electoral representativeness than on membership.

66. **Mr. Dasgupta** (Country Task Force) said that the data provided by the State party on measures taken to combat poverty indicated that there had been a reversal in 2015 in the negative trends generated by the economic crisis. Modest improvements had since been recorded in most but not all indicators; the risk-of-poverty rate, for instance, had increased from 20.4 per cent in 2013 to 23.3 per cent in 2016 and continued to rise. There were also major disparities between autonomous communities. In 2016, only 12 of the 19 communities had succeeded in lowering the indicator of poverty and social exclusion; it stood at 27.9 per cent for Spain as a whole, at 44.6 per cent for the Canary Islands and at 13 per cent for Navarre. He wished to know what action the State party was taking to reverse the negative trend in the risk-of-poverty rate. He also asked whether there were any plans to reduce the high poverty and social exclusion indicators in disadvantaged communities, such as the Canary Islands, Ceuta and Andalusia.

67. According to the State party's report, the Social Fund for Housing had only 9,865 housing units for allocation to persons evicted from their homes during the economic crisis. According to a report issued by the Ombudsman in 2013, the country's 276,000 social housing units accounted for 2 per cent of all dwellings, which was a very low percentage. He requested updated figures and asked why there were so few social housing units. The budget for access to housing had reportedly declined by more than 70 per cent since 2009. He would appreciate an explanation of that alarming drop and asked whether responsibility for social housing was assigned primarily to the private sector. The State party had failed to reply to the questions regarding the reduction of homelessness raised in paragraph 20 of the list of issues.

68. The delegation was invited to provide evidence of its claim that the provisions of Royal Decree-Law No. 16/2012 restricting access to health care for undocumented migrants were not intended to reduce spending on health care but to widen coverage for citizens and legal residents. The Committee had been informed that in 2015 direct spending by households on health services had been 26.3 per cent higher than in 2009, that pensioners were required to pay for services that had previously been free of charge, and that some 400 items had been removed from National Health System funding. He asked whether the State party's claim that the aim was to rationalize the health system constituted a post facto justification. If not, he wished to know whether steps had been taken to calculate the costs of providing better services to citizens and legal residents, and to identify how such costs could be offset by minimum cuts in benefits to illegal migrants.

69. With regard to the finding by the Constitutional Court that Royal Decree-Law No. 16/2012 was consistent with the State party's obligations under article 12 of the Covenant, he pointed out that, according to paragraph 34 of the Committee's general comment No. 14, everyone resident in a State party, including asylum seekers and illegal immigrants, was entitled to the highest attainable standard of health. He asked whether the Constitutional Court had taken the general comment into account.

The meeting rose at 5.55 p.m.